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still to be characteristic of some German publicists, we cite the following passage from p. 146:

“Not the ‘association of men of free will,’ but triumphant war is the social ideal: — triumphant war as the final means to every highest aim. In war the State reveals itself in its real essence; war is the State’s highest achievement; in war the State attains its fullest development.”

AMOS S. HERSHEY.

International Law. By L. Oppenheim. Vol. II, War and Neutrality. 2nd ed. New York: Longmans, Green and Company. 1912. pp. xxxvi, 711.

The second edition of Professor Oppenheim’s well known work has already received a cordial welcome at the hands of those who have appreciated his thoughtful and scholarly treatise from the time of its first appearance in 1905–1906. In the preface to the revised edition of this second volume the author calls attention to the fact that a number of new topics have been discussed, notably the questions whether enemy subjects have *persona standi in judicio*, and whether trading with enemy subjects is permitted. Several chapters of the earlier edition had to be entirely rewritten, owing to radical changes introduced into some branches of international law since 1906.

The chief merit of the present volume is the singular skill with which the author presents the results of the Second Hague Conference and of the Declaration of London. His remarks on the proper method of handling the agreements reached at those two Conferences are very judicious, and it would be well if they could be kept in mind by writers who are inclined to treat those agreements as settled law. They have not yet been generally ratified, and in consequence, says Professor Oppenheim, “the task of the writer of a comprehensive treatise on International Law is very difficult: He must certainly not treat the rules in these unratified documents as law, but, on the other hand, he must not ignore them. For this reason the right method seems to be to give everywhere the law hitherto prevailing, and to give also the changes in the law which are proposed by these unratified documents.”

It may be pertinent to ask under what conditions the conventions of the Hague Conferences and the Declaration of London will warrant being considered settled law? Not only will it be necessary that these agreements shall be ratified by the great body of states, and that they shall be ratified without the important reservations which at present

limit the acceptance of them by many states, but also that they shall have been in practice between nations for a shorter or longer period, until they have acquired such force from custom that the right retained by each state to denounce individual conventions of the Hague Conferences, or the Declaration of London as a whole, shall have ceased to have any practical application. So long as a nation has the legal right to refuse to continue to abide by a given rule, it is hardly safe to regard the rule as settled law. It is true that a nation may violate even the long-standing and well-defined rules of customary law; but in such a case the condemnation of the civilized world would operate as a sanction which could not be applied to the exercise of a legal right to withdraw from the practice of a rule of statutory law. It need hardly be observed that in some cases the conventions of the Hague Conferences embody previously existing rules of law which, of course, lose nothing of their force by reason of the fact that nations retain the right to denounce a given convention as a whole. It is to be hoped indeed that not only will nations not avail themselves of their right to denounce a given convention, but that those individual states which have made reservations of important articles of the conventions will in time yield in favor of rules which commend themselves to the great body of nations.

In illustration of Professor Oppenheim's admirable method of discussing disputed questions, we may refer to his treatment of the so-called doctrine of "continuous voyages" (pp. 499-506). The doctrine is first stated as it was held by the British prize courts in such cases as that of the *William* (5 C. Rob. 385) in which the condemned cargo was captured while the vessel was on her way to the enemy port. The later doctrine of the American prize courts is next stated, justifying the condemnation of the cargo when the vessel was captured on her way to the neutral port from which she was later to proceed to the enemy port. The next step was to condemn a cargo captured on its way to a neutral port because it was proved that the cargo, contraband if bound for a hostile destination, was to be transhipped by other hands to an enemy port, as in the cases of the *Springbok* and the *Peterhoff*, arising during the American Civil War. Later British practice during the South African War is next cited, showing the adoption of the American doctrine. After citing the opinions of certain Continental writers on the subject, the author next proceeds to explain the compromise offered in the Declaration of London, which recognized the application of the doc-

trine of continuous voyages with regard to *absolute* contraband and rejected it with regard to *conditional* contraband.

Nothing short of the highest praise can be given to this simple and logical method of presenting a subject. It is preëminently the part of a teacher to exhibit not only the actual state of the law at the time, but the growth of the law and the fundamental principles underlying a given system of rules. It is in this respect that Professor Oppenheim's treatise will be of especial service to the students for whom the author says that it is primarily intended.

CHARLES G. FENWICK.